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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) Case No. 3:21-CR-00331-WHO
17 Plaintiff,)
18 v.) STIPULATION AND PROTECTIVE ORDER
19 SANDRA LE,) [PROPOSED]
20 Defendant.)

21 With the agreement of the parties, the Court enters the following Protective Order:

22 Defendant is charged with three counts of Wire Fraud, in violation of 18 U.S.C. § 1343. Upon
23 receipt of a discovery request, the United States will produce documents and other materials pertaining
24 to the defendant and the charged offenses to defense counsel. The discovery to be provided includes

25 1 This sample Protective Order (“Order”) is not intended to cover every situation (e.g., trade
26 secrets or cases in which exposure of protected material could endanger a victim or witness), nor does it
27 cover disclosure of Confidential Source information. Those situations, among others, may require more
28 robust protections than are contained in this sample Order. The Court and the parties should tailor any
proposed protective order to suit the needs of a particular case. This Order is also not intended to affect
the obligations of either party or the timing of when discoverable materials must be produced. Those
obligations are governed by Rule 16 of the Federal Rules of Criminal Procedure, Rule 16-1 of the
Northern District of California Criminal Local Rules, and 18 U.S.C. § 3500 and Rule 26.2 of the Federal
Rules of Criminal Procedure (the Jencks Act).

1 documents or other materials falling into one or more of the following categories (collectively,
2 “Protected Information”):

- 3 1. Personal Identifying Information of any individual (other than his or her name), including
4 without limitation any person’s date of birth, social security number, residence or business
5 address, telephone numbers, email addresses, driver’s license number, professional license
6 number, family members names, or criminal histories (“Personal Identifying Information”);
7
- 8 2. Financial information of any individual or business, including without limitation bank
9 account numbers, credit or debit card numbers, account passwords, contact information, and
taxpayer identification numbers (“Financial Information”); and
10
- 11 3. Medical records or other patient information of any individual covered by the Health
Insurance Portability and Accountability Act of 1996 (HIPAA) (“Medical Information”).

12 To ensure that Protected Information is not subject to unauthorized disclosure or misuse,

13 **IT IS HEREBY ORDERED** that defense counsel of record, their investigators, assistants, and
14 employees (collectively, “the Defense Team”) may review with the defendant all discovery material
15 produced by the government, but shall not provide a defendant with copies of, or permit defendant to
16 make copies of, or have unsupervised access to, any discovery material produced by the government that
17 contains Protected Information, unless the Personal Identifying Information, Financial Information,
18 and/or Medical Information has first been **entirely redacted** from the discovery materials. The
19 government and defense counsel are ordered to work together to ensure that these materials are
20 protected, but that defendant has as much access to the materials as can be provided consistent with this
21 Court’s order. Discovery material that clearly pertains to a specific defendant and does not contain
22 Protected Information regarding any other person (*e.g.*, defendant’s own bank records, telephone
23 records, and business records) may be provided to that defendant unredacted.

24 The Defense Team may show witnesses Protected Information in the course of preparing a
25 defense if the witness, by reason of their participation in the proceeding, would have seen or had reason
26 to know such information. Witnesses may only view Protected Information in the presence of the
27 Defense Team, and the Defense Team agrees to keep a log reflecting the date(s) on which a particular
28 witness viewed Protected Information and what specific Protected Information was viewed.

1 Defense counsel may also provide unredacted copies of Protected Information to any experts
2 retained to assist with the preparation of the defense in the captioned case. The defendant, all members
3 of the defense team, and any experts who receive discovery under this Order shall be provided a copy of
4 this Order along with those materials and shall initial and date the order reflecting their agreement to be
5 bound by it.

6 The materials provided pursuant to this protective order may only be used for the specific
7 purpose of preparing or presenting a defense in this matter, unless specifically authorized by the Court.

8 This Order shall also apply to any copies made of any materials covered by this Order.

9 **IT IS FURTHER ORDERED** that neither a defendant nor any member of the Defense Team
10 shall provide any discovery material produced by the government—whether or not the material
11 constitutes or contains Protected Information within the meaning of this Order—to any third party (*i.e.*,
12 any person who is not a member of the defense team) or make any public disclosure of the same, other
13 than in a court filing, without the government's express written permission or further order of this Court.
14 If a party files a pleading that references or contains or attaches Protected Information subject to this
15 Order, that filing must be under seal.²

16 **IT IS FURTHER ORDERED** that after any judgment or disposition has become final and there
17 are no pending proceedings, challenges, appeals, or habeas motions in the case, defense counsel shall
18 notify the government so that the government can request materials subject to this Protective Order
19 (including any copies) be returned to the United States. To the extent that the Defense Team intends to
20 maintain possession of the Protected Information, it must so do under conditions specified in this
21 Protective Order. If the Defense Team cannot ensure that the material will be kept under the conditions
22 specified in this Order, the Defense Team will destroy the material. After the United States receives
23 documents and materials subject to this Order, it shall maintain those documents and materials until the
24 period for filing a motion under 28 U.S.C. § 2255 has expired. After the statutory period for filing a
25 motion under 28 U.S.C. § 2255 has expired, the United States is free to destroy documents and materials
26 subject to this Order. If defendant is represented by counsel and files a motion pursuant to 28 U.S.C.
27

28

² This Order authorizes such filings under seal and the parties are not required to seek additional authorization from the Court to do so.

1 § 2255, the United States will provide counsel with the documents and materials subject to this
2 Protective Order under the terms of this Order.

3 This stipulation is without prejudice to either party applying to the Court to modify the terms of
4 any protective order. This Court shall retain jurisdiction to modify this Order upon motion of either
5 party even after the conclusion of district court proceedings in this case.

6
7 **IT IS SO STIPULATED.**

8
9 STEPHANIE M. HINDS
10 Acting United States Attorney

11 Dated: September 8, 2021

12
13 /s/
14 **KENNETH CHAMBERS**
15 Assistant United States Attorney

16 Dated: September 8, 2021

17
18 /s/
19 **JULIA JAYNE**
20 Provisional Counsel for Defendant Sandra Le

21
22 **IT IS SO ORDERED.**

23 Dated: _____

24
25 _____
26 **HON. WILLIAM H. ORRICK**
27 United States District Judge